

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CORNELL SMITH,

Plaintiff,

v.

Case No. 09-C-0404

MATTHEW FRANK, GARY MCCAUGHTRY,
PHIL KINGSTON, MICHAEL THURMER,
STEVEN SCHUELER, THOMAS CORE,
MARK MELCHER, DUWAYNE LONGSETH,
PHIL KUSSMAN, SGT. GILL, BETH LIND,
M. THORP, and RICK RAEMISCH,

Defendants,

ORDER

Plaintiff, Cornell Smith, who is incarcerated at Waupun Correctional Institution (WCI), filed a pro se civil rights complaint under 42 U.S.C. § 1983. On December 2, 2011, defendants filed a motion for summary judgment. This matter is now before me on two motions for extensions of time filed by plaintiff and defendant's motion strike one of their exhibits.

In his first motion, filed December 2, 2011, plaintiff does not specify what time he wants enlarged or how much extra time he would like. In his second motion, plaintiff asks the court to disregard his first motion and asks for fifteen additional days to respond to defendants' motion for summary judgment. He cites the need to respond to a motion presented by 13 defendants and limited law library hours over the holidays. Although plaintiff believes he only has 21 days to respond to defendants' motion, he actually has 30 days to file a response. Nevertheless, I consider plaintiff's request reasonable and will grant plaintiff a fifteen day extension of time beyond when his response would be due under the Civil Local Rules (E.D. Wis.). Plaintiff shall

file his response to defendants' motion for summary judgment on or before Tuesday, January 17, 2012.

Additionally, defendants have moved to strike Defendants' Exhibit 1016, filed in support of their motion for summary judgment. They represent that the original Defendants' Exhibit 1016 inadvertently included documents not related to this lawsuit and have provided a new Defendants' Exhibit 1016. I will grant this motion and consider only the replacement exhibit.

THEREFORE, IT IS ORDERED that plaintiff's motion for extension of time [Docket #82] is **WITHDRAWN**.

IT IS FURTHER ORDERED that plaintiff's motion for extension of time [Docket #91] is **GRANTED**. Plaintiff shall respond to defendants' motion for summary judgment on or before **Tuesday, January 17, 2012**.

IT IS FURTHER ORDERED that defendants' motion to strike Defendants' Exhibit 1016 [Docket #88] is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 28th day of December, 2011.

s/ Lynn Adelman

LYNN ADELMAN
District Judge